

into applying the service brakes when there is no need to do so.

In consideration of the foregoing, it is hereby found that the applicant has met its burden of persuasion that the noncompliance herein described is inconsequential to safety. Accordingly, the applicant is hereby exempted from its obligations to provide notice of the noncompliance as required by 49 U.S.C. 30118, and to remedy the noncompliance as required by 49 U.S.C. 30120.

49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.50 and 501.8).

Issued on: January 23, 1996.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

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[Docket No. 93-37, Notice 4]

Panoz Auto Development Co.; Grant of Application for Renewal of Temporary Exemption From Federal Motor Vehicle Safety Standard No. 208

Panoz Auto Development Company of Hoschton, Ga., applied for a renewal of its exemption from paragraph S4.1.4 of Federal Motor Vehicle Safety Standard No. 208 *Occupant Crash Protection*. The basis of the application was that compliance will cause substantial economic hardship to a manufacturer that has tried to comply with the standard in good faith.

Notice of receipt of the application was published on October 13, 1995, and an opportunity afforded for comment (60 FR 53454). This notice grants the renewal.

Panoz received NHTSA Exemption No. 93-5 from S4.1.4 of Standard No. 208, which was scheduled to expire August 1, 1995 (58 FR 43007). However, its application for renewal was filed on May 26, 1995, which was more than 60 days before the scheduled expiration date of its exemption. In accordance with 49 CFR 555.8(e), Panoz' filing of its application before the 60th day stays the expiration until the Administrator grants or denies the application for renewal.

Panoz's original exemption was granted pursuant to the representation that its Roadster would be equipped with a Ford-supplied driver and passenger airbag system, and would comply with Standard No. 208 by April 5, 1995, after estimated expenditures of \$472,000. As of April 1993, the company had expended 750 man hours and \$15,000 on the project.

According to its application for renewal:

Panoz has continued the process of researching and developing the installation of a driver and passenger side airbag system on the Roadster since the original exemption petition was submitted to NHTSA on April 5, 1993. To date, an estimated 1680 man-hours and approximately \$50,400 have been spent on this project.

Panoz uses a 5.0L Ford Mustang GT engine and five speed manual transmission in its car. Because "the 1995 model year and associated emission components were revised by Ford", this caused

a delay in the implementation of the airbag system on the Roadster due to further research and development time requirements and expenditure of additional monies to evaluate the effects of these changes on the airbag adaptation program.

In addition, the applicant learned that Ford will be replacing the 5.0L engine and emission control system on the 1996 Mustang and other passenger cars with a modular 4.6L engine and associated emission components. The 1995 system does not meet 1996 On-Board Diagnostic emission control requirements, and Panoz will have to use the 1996 engine and emission control system in its cars. The majority of the money and man hours to date have been spent on adapting an airbag system to the 5.0L engine car, and the applicant is now concentrating on adapting it to a 4.6L engine car. Panoz listed eight types of modifications and testing necessary for compliance that would cost it \$337,000 if compliance were required at the end of a one-year period. It has asked for a two-year renewal of its exemption.

Panoz sold 13 cars in 1993 and 13 more in 1994. It did not state its sales to date in 1995. At the time of its original petition, its cumulative net losses since incorporation in 1989 were \$1,265,176. It lost an additional \$249,478 in 1993 and \$169,713 in 1994.

The applicant reiterated its original arguments that an exemption would be in the public interest and consistent with the objectives of traffic safety. Specifically, the Roadster is built in the United States and uses 100 percent U.S. components, bought from Ford and approximately 75 other companies. It provides full time employment for 7 persons, and "at least 200 employees from over 80 different companies remain involved in the Panoz project." The Roadster is said to "provide the public with a classic alternative to current production vehicles." It is the only vehicle that incorporates "molded aluminum body panels for the entire

car", a process which is being evaluated by other manufacturers and which "results in the reduction of overall vehicle weight, improved fuel efficiency, and increased body strength." With the exception of S4.1.4 of Standard No. 208, the Roadster meets all other Federal motor vehicle safety standards including the 1997 side impact provisions of Standard No. 214.

No comments were received on the application.

Since its incorporation in 1989, the applicant's cumulative net loss exceeds \$1,600,000. Its estimated cost of \$337,000 for immediate conformance is a convincing hardship argument. In addition, the on-going compliance efforts of the company with respect to two Ford engine configurations indicate that the company continues to make a good faith effort to comply with Standard No. 208. This American-made vehicle is represented as meeting all remaining Federal motor vehicle safety standards, and will comply with new side intrusion requirements in advance of its effective date. A renewal of the exemption is merited.

In consideration of the foregoing, it is hereby found that to require immediate compliance with Standard No. 208 would cause substantial economic hardship to a manufacturer that has in good faith attempted to meet the standard, and that an exemption would be in the public interest and consistent with the objectives of traffic safety.

Accordingly, NHTSA Exemption No. 93-5 from paragraph S4.1.4 of 49 CFR 571.208 Motor Vehicle Safety Standard No. 208 *Occupant Crash Protection* is hereby extended to expire November 1, 1997.

(49 U.S.C. 30113; delegation of authority at 49 CFR 1.50.)

Issued on January 23, 1996.

Ricardo Martinez,
Administrator.

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Surface Transportation Board

[STB Ex Parte No. 526]

Notice of Establishment of Railroad-Shipper Transportation Advisory Council and Request for Recommendation of Candidates for Membership

AGENCY: Surface Transportation Board.

ACTION: Request For Recommendation of Candidates For Membership on Railroad-Shipper Transportation Advisory Council.